

18, 1969

18

29 OF 1967

IN THE PRIVY COUNCIL ----- NO. OF 1967

ON APPEAL FROM  
THE COURT OF APPEAL OF THE  
SUPREME COURT OF JUDICATURE

**BETWEEN:**

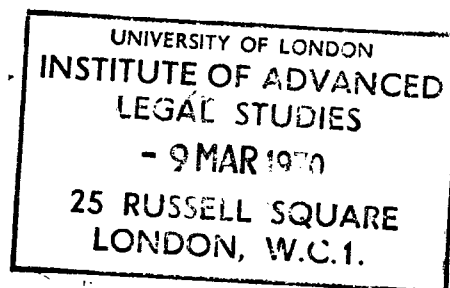
IVAN PARABOO, in his capacity  
as one of the Executors of the  
Estate of TIRBOHUN PARABOO,  
male East Indian, deceased,  
Probate whereof No.81 of  
1951, was granted to him by  
the Supreme Court of British  
Guiana, on the 29th day of  
August, 1951, and personally,

(Plaintiff)  
Appellant

-and-

TOM CRAWFORD,

(Defendant)  
Respondent



---

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THE COURT OF APPEAL OF THE  
SUPREME COURT OF JUDICATURE

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BETWEEN:

IVAN PARABOO, in his capacity  
as one of the Executors of the  
Estate of TIRBOHUN PARABOO,  
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Guiana, on the 29th day of  
August, 1951, and personally,

(Plaintiff)  
Appellant

-and-

TOM CRAWFORD,

(Defendant)  
Respondent

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7.	Notice of Appeal	8.5.65	40 - 43
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11.	Order granting conditional leave to appeal to Her Majesty's Privy Council	18.2.67	54 - 57
12.	Exhibits as listed below		58 - 78

E X H I B I T S

Exhibit Mark	Description of Exhibit	Date of Exhibit	By Whom and Date Tendered
"A"	Licence to occupy Crown Land No. 4389	28.6.44	I. Paraboo 18.11.64
"B"	Diagram of the R. Bank of the Abary River	27.10.60	Compton Mc.Lean 18.1.64
"C"	Provisional Lease	13.4.59	T. Crawford 7.1.65
"D1"	Receipt No. 25327 JJ	8.7.58	-do-
"D2"	Receipt No. 6111 LL	26.9.58	-do-
"E"	Receipt No. AA 67555	11.7.62	-do-
"F1"	Receipt	6.12.49	-do-
"F2"	Receipt	5.49	-do-
"F3"	Receipt	8.1.55	-do-
"F4"	Receipt	23.3.54	-do-

OF 1967

IN THE PRIVY COUNCIL NO. OF 1967

---

O N A P P E A L  
FROM THE  
COURT OF APPEAL OF THE SUPREME COURT OF JUDICATURE

---

BETWEEN

IVAN PARABOO, in his capacity as one  
of the Executors of the Estate of  
TIRBOHUN PARABOO, male East Indian,  
deceased, Probate whereof No. 81 of  
1951, was granted to him by the  
Supreme Court of British Guiana, on  
the 29th day of August, 1951, and  
personally,

(PLAINTIFF)  
APPELLANT

-and-

TOM CRAWFORD,

(DEFENDANT)  
RESPONDENT

---

R E C O R D O F P R O C E E D I N G S

---

In the High Court  
of the Supreme  
Court of Judica-  
ture

PROCEEDINGS ON HEARING OF ACTIONS

No. 1

NO. 1

Writ of Summons  
with Indorsement  
of Claim dated  
2nd day of March,  
1963.

Writ of Summons with Indorsement of Claim

1963 No. 630 DEMERARA

IN THE SUPREME COURT OF BRITISH GUIANA

(CIVIL JURISDICTION)

BETWEEN:

10

IVAN PARABOO, in his capacity as  
one of the Executors of the Estate  
of TIRBOHUN PARABOO, male East  
Indian, deceased, Probate whereof  
No. 81 of 1951 was granted to him  
by the Supreme Court of British  
Guiana on the 29th day of August  
1951, and personally,

(Plaintiff)

-and-

20

TOM CRAWFORD,

(Defendant)

ELIZABETH THE SECOND, by the Grace of God

of the United Kingdom, of Great Britain and

Northern Ireland and of Her Other Realms and

Territories, Queen, Head of the Commonwealth Defender

of the Faith.

TO: TOM CRAWFORD,

Plantation Brahn,

West Coast, Berbice.

We command you that within 10 (ten) days

after service hereof on you inclusive of the  
day of such service you do cause an appearance  
to be entered for you in an action at the suit  
of IVAN PARABOO, the abovenamed plaintiff; AND  
TAKE NOTICE that in default of your so doing,  
the plaintiff will proceed therein and judgment  
may be given against you in your absence.

No. 1  
Writ of Summons  
with Indorsement  
of Claim dated  
2nd day of March,  
1963 (Cont'd)

Witness, The Honourable Sir JOSEPH

ALEXANDER LUCKHOO, Knight Chief Justice of British  
Guiana, the 2nd day of March in the year of Our  
Lord one thousand nine hundred and sixty three.

10

N.B.

The defendant herein may appear hereto  
by entering an appearance either personally or by  
Solicitor at the Registry at Georgetown.

INDORSEMENT OF CLAIM:

Indorsement of  
Claim

The plaintiff's claim is against the  
defendant for:

20

1. Damages over and above the sum  
of \$500.00 (five hundred dollars)  
for trespass to lands in the  
possession of the plaintiff  
situate in the rear of Plantation  
Brahn, West Coast in the county  
of Berbice and colony of British

Guiana from the month of April, 1962, up to the date hereof.

In the High Court of the Supreme Court of Judicature

- 2. An injunction restraining the defendant, his servants and/or agents and each and every one of them from in any <sup>way</sup> entering, remaining or in any other way interfering with the plaintiff's possession, use and occupation of the said lands,
- 3. Such further or other relief as the Court may deem just.
- 4. Costs.

---

No. 1  
Writ of Summons with Indorsement of Claim dated 2nd day of March, 1963

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Indorsement of Claim (Cont'd)

10

L.L. Doobay

Solicitor to Plaintiff.

Dated at Georgetown, Demerara,

This 2nd day of March, 1963.

This writ was issued by Mr. Loknauth Lalman

Doobay, Solicitor of and whose address for service

and place of business is at his office at lots

20 15-16 Croal Street, Georgetown, Demerara, Solicitor

to the Plaintiff who resides at Plantation Brahn,

West Coast, Berbice.

L.L. Doobay,

Solicitor to Plaintiff.

Dated at Georgetown, Demerara,

This 2nd day of March, 1963.

AUTHORITY TO SOLICITOR SEPARATELY FILED.

No. 2

Statement of Claim dated the  
3rd day of October, 1963

In the High Court  
of the Supreme  
Court of Judica-  
ture

No. 2  
Statement of  
Claim dated the  
3rd day of  
October, 1963.

STATEMENT OF CLAIM:

1. The plaintiff sues herein in his capacity as an Executor of the estate of TIRBOHUN PARABOO, male East Indian, deceased, Probate whereof No. 81 of 1951, was granted to him by the Supreme Court of British Guiana on the 29th 10 August, 1951, and personally.
2. In his capacities aforesaid he is in possession of an area of land approximately 27.9 acres situate in the rear of Plantation Brahn, on the West Coast of the County of Berbice and Colony of British Guiana as is more fully described in Licence No. 4389 issued by the Commissioner of Lands and Mines on the 28th day of June, 1944.
3. The defendant is the owner and in possession of an area of land adjoining that of the 20 plaintiff and on the North-Western side thereof.
4. On or about the 25th day of September, 1962, the defendant by himself, his servants and/or agents wrongfully and unlawfully entered the



plaintiff's land and over an area of about 3½ (three and one half) acres thereon, reaped and took away approximately 56 bags of padi, property of the plaintiff.

In the High Court of the Supreme Court of Judicature

No. 2  
Statement of Claim dated the 3rd day of October, 1963.  
(Cont'd)

5. Subsequent to the 25th September, 1962,

and on several occasions up to the present time the defendant by himself, his servants and/or agents has been trespassing on the said land.

Particulars of Loss

10 September - October, 1962:

To: 56 (fifty-six) bags of  
padi at \$7.00 per bag ..... \$392.00

WHEREFORE THE PLAINTIFF CLAIMS FROM THE DEFENDANT:

(a) Damages in excess of the sum of \$500.00

(five hundred dollars) for trespass to the plaintiff's land situate in the rear of Plantation Brahan, West Coast, in the County of Berbice and colony of British Guiana from the month of April, 1962, up to the date hereof.

20

(b) An injunction restraining the

defendant, his servants and/or agents and each and every one of them from in any way entering, remaining or in any other way interfering with the plaintiff's possession, use and occupation of the said lands.

(c) Such further or other relief as the Court may deem just.

(d) Costs.

L.L. Doobay

Solicitor to Plaintiff.

?  
Of Counsel.

Dated at Georgetown, Demerara,  
The 3rd day of October, 1963.

10 To: The abovenamed defendant,  
-and-  
To: Mr. O.M. Valz,  
His Solicitor.

No. 3

Defence dated ....December  
1963

DEFENCE:

1. Save as is hereinafter expressly admitting the defendant denies each and every allegation of fact in the Statement of Claim.
- 20 2. The Defendant specifically denies the averments in paragraphs 4 and 5 of the Statement of Claim.
3. The defendant now occupies, and has occupied nec vi, nec clam, nec precario for upwards of 13 years, a portion of land immediately

In the High Court of the Supreme Court of Judicature.

-----  
No. 2  
Statement of Claim dated the 3rd day of October, 1963  
(Cont'd)

In the High Court of the Supreme Court of Judicature.

-----  
No. 3  
Defence dated ....December, 1963

In the High Court  
of the Supreme  
Court of Judica-  
ture.

---

No. 3  
Defence dated  
....December,  
1963(Cont'd)

adjoining land formerly occupied by the plain-  
tiff's testator and, after his death, by the  
plaintiff. The portion of land occupied by the  
defendant is part of the tract of land measuring  
53.7 acres which is referred to in Licence of  
Occupancy No. A 3793 which was granted to John  
Crawford (since deceased, who was the father of  
the defendant) Randannie, George Jones and Timoty  
Wade. The said licence was granted on the 1st  
10. day of September, 1931, for 21 years for agricul-  
tural purposes.

4. After the expiry of the said Licence,  
the defendant continued in occupation of the said  
portion of land. The plaintiff and six other  
persons made application for the grant of a Lease  
for agricultural purposes of the said 53.7 acre  
tract. On the 13th day of April, 1959, the  
Commissioner of Lands and Mines granted a Permission  
to occupy the said 53.7 acres to the defendant,  
20 as well as to Clara Johnson, John Crawford, Timoty  
Wade, James Crawford and Dr. R. Singh.

5. The defendant is lawfully entitled to

occupy the said portion of the 53.7 acre tract.

If, however (which is not admitted), the defend-

ant is not entitled to occupy the said portion,

he will contend that, by reason of his occupa-

tion thereof nec vi, nec clam, nec precario for

upwards of twelve years, the plaintiff's action

is barred by the terms of the Title to Land

(Prescription and Limitation) Ordinance, Chapter

184.

10           6. The defendant will contend that the  
plaintiff's action is bad for want of form.

H.O. Jack.

of Counsel.

Dated at Georgetown, Demerara,

this.....day of December, 1963.

O.M. Valz,

Solicitor for Defendant.

No. 4

Notes of Trial Judge, Crane, J

20   NOTES OF EVIDENCE           18th NOVEMBER, 1964

In the Supreme Court  
(Civil Jurisdiction)

C.V.Wight for Plaintiff.

H.O. Jack for Defendant.

In the High Court  
of the Supreme  
Court of Judica-  
ture

No. 3

Defence dated  
.....December,  
1963 (Cont'd)

In the High Court  
of the Supreme  
Court of Judica-  
ture.

No. 4

Notes of Trial  
Judge, Crane, J.

Mr. Wight:

The right to begin is with the defendant.

Re: para. 3 of Defence - defendant has admitted

being in occupation of the land. Defendant has

stated they are lawfully in possession by the

Limitation Ordinance. They must prove it. The

defendant must prove their title.

Mr.H.O.Jack:

Defendant does not say he has occupied

10 land claimed by plaintiff. He is saying he is in

occupation of land adjoining plaintiff's, not

plaintiff's land. We do not claim to be in

possession of plaintiff's land.

Para: 5 is really an alternative plea of

the defendant.

We have not admitted trespass, therefore

plaintiff must prove his possession.

Court:

Right to begin is with the plaintiff.

20 Mr. Jack is right.

No. 5

PLAINTIFF'S EVIDENCE

Evidence of First Witness

IVAN PARABOO (M) sworn:-

I am plaintiff. I am the Executor of

In the High Court  
of the Supreme  
Court of Judica-  
ture

No. 4

Notes of Trial  
Judge, Crane,J.

Submission by  
C.V.Wight Counsel  
for Plaintiff.

Submission by  
H.O. Jack Counsel  
for Defendant.

Ruling By Court

Plaintiff's Evi-  
dence.

No. 5

Evidence of 1st  
Witness Ivan  
Paraboo.

the estate of Tirbohun Paraboo, deceased. I  
got probate on 29/8/51. I sue in this capacity  
and personally.

In the High Court  
of the Supreme  
Court of Judica-  
ture

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No. 5  
Evidence of 1st  
Witness Ivan  
Paraboo (Cont'd)

I am in possession of land approximately  
27.9 acres in rear of Pln. Brahan, West Coast,  
Berbice. This land is described in Licence  
No. 4389 of the Commissioner of Lands and Mines  
on 28/6/1944. There has been previous proceedings  
between myself and Uncle in connection with a  
10 portion of this land. This is the Licence of  
Occupancy (Exhibit "A"). The defendant first came  
on the land in dispute on 25/9/62. On this day  
the defendant went on the land with a combine to  
reap rice. I told him not to do that. One  
Gravesande spoke to the defendant also. In April,  
1962, the grandson of the defendant, one Noel Ross  
went on our land with a tractor and ploughed 2 acres  
a portion of the 27.9 acres which I claim. My land  
is about on the western portion of the land I claim.  
20 I told defendant he was trespassing on the land and  
he abused me. In September, 1962, defendant reaped  
with a combine 56 bags padi from my land. Padi is

valued \$7.00 per bag. I sowed after ploughing  
before Ross ploughed in April, 1962, but I cannot  
say whether Ross sowed too. Since 1962 the  
defendant has not been back on the land. In 1963  
no crop was planted. Defendant has not been back  
since 1962.

I ask for damages in sum of \$392.00,  
general damages and costs and an injunction.

Court:- Where is plan?

Question by  
Court

10 Mr. Wight:- Will submit later.

Reply by Plain-  
tiff's Counsel

Cross-examined by H.O. Jack :- Crawford has land  
adjoining our land. I mean Crawford the defendant.  
Tom Crawford, Clara Johnson, Timothy Wade, John and  
James Crawford are known to me. It is a fact that  
all the above people I know own these lands adjoin-  
ing the land I claim. It is true that I ploughed  
land for the defendant in the year 1949, the land  
for which I admit they have a lease. It was between  
1959 and 1961 Mr. McLean the surveyor made a survey  
20 of Pln. Brahan. I do not know whose land we had  
been occupying prior to McLean's survey. Not true

Cross-examined

that Mc Lean said previous plan was wrong.

In the High Court  
of the Supreme  
Court of Judica-  
ture

Mc Lean did not tell me the boundaries should

---

No. 5

be shifted. A mere separates my land from

Evidence of 1st  
Witness Ivan  
Paraboo(Cont'd)

defendant's. There was a paal, but someone

Cross-examined  
(Cont'd)

removed it. Mc Lean did not interfere with any

of my land in his survey. Mc Lean did not tell

me that I was entitled to three rods of land. It

was the defendant who took Mc Lean to survey. The

defendant had never ploughed and reaped the same

10 land in 1961 which he reaped in 1962 and which I

claim. I have never seen defendant ploughing or

reaping from the spot which I claim to be mine,

though I have missed rice. I was solely in posses-

sion of the land from 1956. The defendant and the

others have about 53 acres on lease. I do not

know they have divided the land among themselves,

Re-examined:

Re-examined

Defendant has been trying to encroach on my

land before 1962. The defendant reaped about 200

20 rods x 3 rods area of land. Defendant had never

reaped from my land before 1962 though he attempted

it. I had never seen defendant ploughing my land



before 1962. I took one R.C. Monah to the defendant after the defendant had ploughed the land. Defendant had never occupied my land which I complain about before 1962.

In the High Court of the Supreme Court of Judicature

No. 5  
Evidence of 1st Witness Ivan Paraboo (Cont'd)

Re-examined (Cont'd)

No. 6

EVIDENCE OF 2ND WITNESS EDGAR MONAH

EDGAR MONAH (m) sworn:- R.C. Sergeant of Pln.

In the High Court of the Supreme Court of Judicature

Plaintiff's Evidence

No. 6  
Evidence of 2nd Witness Edgar Monah

Washington, West Coast, Berbice. I know both parties to this case. On Tuesday 24th April,

10 1962, I went to Pln. Brahan to the rice field owned by plaintiff Paraboo. There was growing rice there. I know the defendant Tom Crawford, but I do not know if he has land. I saw five (5) north/south paals with initials "C.S. McL" written thereon. The rice was growing on both sides of the paals. The parties were with me when I went first, but the plaintiff was present alone - in September, 1962 when I went back. Defendant was not present. When I went back I observed that east of the paals on  
20 plaintiff's land 175 rods x 12 feet were reaped. I saw another portion 200 rods by 3 rods were reaped

from plaintiff's land. When I went in April, 1962, plaintiff said his rice lands were east of the paals, but Crawford said he owned 3 rods in plaintiff's land. They had a dispute about 3 rods in plaintiff's land. Crawford did not tell me that he had been on the land for any length of time. I assessed padi reaped from the two portions I mention at 56 bags padi which is equal to 28 bags rice. Price is \$7.00 per bag for padi.

In the High Court of the Supreme Court of Judicature

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Plaintiff's Evidence

Nc. 6  
Evidence of 2nd Witness Edgar Monah (Cont'd)

10 Cross-examined by H.O. Jack:

Cross-examined

Paraboo showed me east of the paal and told me that was his rice lands. When I say Paraboo's land, I was referring to the land he showed me.

Re-examined:

Re-examined

In this land Paraboo claimed, defendant was claiming 3 rods. Crawford also showed me his lands west of the paal.

Wight:

20 Surveyor McLean is summoned, would require tomorrow to obtain plans.

Adjourned to 9.00 a.m. tomorrow

Adjournment by Court

EVIDENCE OF WITNESS - COMPTON S.MC. LEAN

COMPTON S. MCLEAN (m) sworn:-

Sworn Land Surveyor of 30 years experience.

Senior Lands & Mines Surveyor. I made a survey of 2nd depth of Pln. Brahan, West Coast, Berbice. I made a survey for the Lands & Mines Department on behalf of Crawford. The land is Government land.

I know one Ivan Paraboo. I laid down the boundary

10 between Crawford's land and Paraboo's at Pln. Brahan.

Crawford was dissatisfied. He claimed he was

entitled to the same number of rods facade as in

the rear of his lands. I did not survey lands for

Paraboo. I did not do the diagram of the survey

(Exhibit "A"). Paraboo occupies the east portion

of Pln. Brahan. Paraboo is on east of Crawford.

If I had agreed with Crawford I would have been

encroaching on the land west of Crawford. I made

Crawford's facade 370.68 feet and his back facade

20 333.16 feet. On surveying Crawford's land, I had to

lay down the boundary between Paraboo's land and

In the High Court  
of the Supreme  
Court of Judica-  
ture

No. 7  
Evidence Witness

-----  
Evidence of  
Witness Compton  
S. McLean

Crawford's land according to the original surveys

In the High Court  
of the Supreme  
Court of Judica-  
ture

by my predecessors. I object to tendering my

---

No. 7  
Evidence Witness

official <sup>original</sup> survey. I am prepared to tender a copy

-----  
Evidence of Wit-  
ness Compton S.  
Mc Lean (Cont'd)

of it.

Jack:

Objection by  
Defendant's coun-  
sel to tendering  
of unofficial  
plan

I object to document being tendered

because it is not an official plan of the area.

The plan has not been made official.

Wight:

Decision by  
Plaintiff's Coun-  
sel to tender  
official plan

10

We will tender the document now, and

later put in a certified true copy of it.

Court:-

Ruling by Court

(Document admitted, marked - Exhibit "B").

Pln. Brahan is Crown Land - Government Land. No

private surveyor could survey Crown Land. Exhibit "B"

is an official plan.

Cross-examined by Jack:-

Evidence of Wit-  
ness Compton S.  
Mc Lean (cont'd)

No diagram existed prior to that on

Cross-examined

Exhibit "A". I believe there was a plan by one

20

Peter Prass in relation to the 1st depth, Pln.

Brahan. This was private property. In 1960

I started from Pln. Seafield and surveyed right  
up to Pln. Hopetown. Pln. Brahan is next to  
Pln. Kingeley. East of Pln. Brahan is Pln. Ross.  
I only laid down the western boundary of Paraboo's  
land not the eastern boundary of it. I have  
completed my survey, but have not determined the  
eastern boundary of Paraboo's lands. Paraboo nor  
Crawford neither asked me to survey their land.

I found Crawford in occupation of a portion of land.

10 My job was an official one not private. I made a  
calculation and gave it to Crawford. This was about  
the number of rods facade each person should occupy.  
The difference between 370.65 feet and 333.16 feet  
on Crawford's land which I have stated would be about  
3 rods difference. I agree Crawford leased about  
53.7 acres from the Lands and Mines Department. When  
I surveyed the land I made it 51.9 acres. Crawford's  
lease had expired while Paraboo's was continuing.  
Crawford had to re-apply for a lease. I used my  
20 predecessor's boundary to lay down the boundary between  
Paraboo and Crawford. Crawford should have got more

land on the western boundary between him and

Ramdhoney. There was a shifting of Crawford's

western boundary towards his land. That is why

the area is less than originally. Crawford was

saying that the back facade should have been

shifted about 3 rods east. If Crawford has paid

in excess of the number of acres he is entitled to,

he would be granted a rebate. I disagree, my survey

has not been objected to and is under review.

10 Crawford was with me at all times when I was sur-

veying the lands. There is to be no other survey

of Pln. Brahan. When I went to the scene I could

not tell who was in occupation of the lands. I say

I did not survey Paraboo's land. I found that

Ramdhoney was about 2 rods in Crawford's back facade.

The difference between 53.7 acres and 51.90 acres

would be 1.8 acres. Ramdhoney was occupying 1.8 acres

more than he should. My duty was to put down paals.

I did not go to survey 53.7 acres of Crawford's

20 land as you suggest. I had to take into account

existing boundaries. Crawford's original lease was

for 53.7 acres. My survey showed me that Crawford's western boundary had shifted eastwards. There was a dam between Ramdhoney's land and Crawford's. It was a recently built dam at the time of my survey in 1960. Crawford told me that it was recently built.

Adjourned to 7th January, 1965

C.S. MC LEAN (m) sworn continues:-

There is an earth dam separating

10 Plns. Brahan and Ross. The defendant and his group of proprietors - the Crawfords, were treating this dam as a boundary separating Pln. Brahan's lands from Pln. Ross. I would not say that dams are treated as boundaries in this Colony. I found that the dam in question was not a true boundary; was west of the 24 ft. reserve in Exhibit "B". The northern end of this dam was the true boundary and the boundary moved west  $2\frac{1}{2}$  - 3 rods creating a "gib". Each of the Crawfords occupied a portion of land and the defendant occupied the easternmost portion. To rectify this error it was

20

In the High Court of the Supreme Court of Judicature

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No. 7  
Evidence Witness

-----  
Evidence of Witness Compton S. Mc Lean (Cont'd)

Cross-examined (Cont'd)

Adjournment by Court.

In the High Court of the Supreme Court of Judicature

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No. 7  
Evidence Witness

-----  
Evidence of Witness Compton S. Mc Lean (Cont'd)

Cross-Examined (Cont'd)

necessary that each number of the Crawford

group of proprietors had to move back westwards.

I would not say whether there was an agreement

by them to move back their boundaries. The piece

of land on which they should have ultimately

gone back on to the west was occupied by Ramdhoney.

I found that Ramdhoney was occupying a "gib" of

land which the Crawfords should have been occupying

if the former survey had been carried out properly.

10 People try to construct dams along the boundaries

of their estates. The dam started in a north-

eastern corner of Pln. Brahan to the cattle trail

reserve in the south-west, about 750 rods. The

error I found was less than one degree. I believe

this dam of which I speak has been there for over

50 years.

Cross-examined by Wight:-

There is no dam between Paraboo's land and

Crawford's land. It is correct that Paraboo was

20 complaining that Crawford was occupying 3 rods of

his land. I struck my paals and told both parties

that they were not to go beyond my paals.

In the High Court  
of the Supreme  
Court of Judica-  
ture

-----  
No. 7  
Evidence Witness

-----  
Evidence of Wit-  
ness Compton S.  
Mc Lean (Cont'd

Cross-examined  
(Cont'd)

Cross-examined



According to my survey Crawford had no right on Paraboo's land. If there was any claim, it should have been made against Ramdhoney. My survey revealed that Paraboo was correct that Crawford was claiming 3 rods of Paraboo's land.

In the High Court of the Supreme Court of Judicature

No. 7  
Evidence Witness

-----  
Evidence of Witness Compton S. Mc Lean (Cont'd)

Cross-examined (Cont'd)

CASE FOR PLAINTIFF

DEFENCE

No. 8

DEFENDANT'S EVIDENCE

In the High Court of the Supreme Court of Judicature.

10

EVIDENCE OF 1ST WITNESS THOMAS CRAWFORD

Defendant's Evidence

THOMAS CRAWFORD sworn:-

No.8  
Evidence of 1st Witness Thomas Crawford

I am Defendant. I and others occupy

53.7 acres of land in the 2nd depth of Pln. Brahan.

I have been occupying my portion for 15 years. My

co-proprietors from west to east of Pln. Brahan are

Timoty Wade, Clara Johnson, Indaal Singh on behalf

of Dr. Rambarrat Singh, Charles Hawker, James

Crawford, John Crawford, Thomas Crawford and myself.

In 1959, I made an application to the Lands and Mines

20 Department for a renewal of permission to occupy the

same 53.7 acres. This is permission (Exhibit "C")

These are my receipts for the year 1958 (Exhibit "D1")

and "D2"). I occupied the same piece of land since 1947. In 1961, McLean made a survey but his survey gave me about 3 rods less than I was occupying which is the dispute in this case.

I was told by Mc Lean that I would have to shift to the west my boundary. I told my co-proprietors they would have to shift their boundaries the same number of rods to the west. Our portions were defined by mere, but my co-proprietors refused.

10 I had been occupying my portion since 1947. This is receipt for 1962, (Exhibit "E"). Since McLean told me I had to move, the Lands and Mines still took the same rental from me for the 53.7 acres. There is no boundary between our lands and Paraboo's.

Paraboo worked for me on my land by reaping them after he had ploughed them on my behalf. These are the receipts he gave me for payment (Exhibits "F1 - 4"). Paraboo had never claimed the 3 rods as belonging to him when he ploughed. In 1963 I  
20 ploughed the land and reaped the rice.

Cross-examined by Wight:-

Cross-examined

I am 72 years old. I can read and write

a little. I did not agree with Mc Lean's survey.

I am not occupying any land belonging to Paraboo.

I do not accept that Randhoney has 3 rods of land

for us. Tirbohun was never on the 3 rods of

land which I claim. Exhibits "F1 -3" relate to

the 3 rods of land which I claim. The plaintiff

was working on the land before his father died.

It is not true that ever since plaintiff came on

the land in 1956, he and I have been at logger

10 heads.

There is a small dam between our land and

Randhoney's. He made it. Besides my portion, I

occupy Hawker's portion. If I abide by the Mc Lean

survey I would be having no land at all. My

co-proprietors refused to remove. I have never had

a dispute with Paraboo over the land before the

Mc Lean survey in 1961. I had made an application

to the Lands and Mines to have permission to occupy

the lands. I can't remember when I made the applica-

20 tion. I say I was in occupation of the land in 1947.

Re-examined:-

I see Exhibit "C". I had a previous

grant numbered A 3793. Exhibits "D1-D2" were in

respect of the previous grant I had. The

previous grant expired in 1959.

In the High Court  
of the Supreme  
Court of Judica-  
ture

Defendant's Evi-  
dence

No. 8  
Evidence of 1st  
Witness Thomas  
Crawford (Cont'd)

Cross-examined  
(Cont'd)

Re-examined

In the High Court  
of the Supreme  
Court of Judica-  
ture

The permission (previous) was for 21  
years. I used to pay \$10.74 per year. It was  
from 1956 that I began to pay the rent but previously  
someone else did so. Timoty Wade got 11 rods,  
George James  $5\frac{1}{2}$  rods, Clara Johnson now occupies  
this  $5\frac{1}{2}$  rods. Indal Singh for Dr. Rambarratt  
occupies  $3\frac{1}{2}$ , Hawker  $1\frac{1}{2}$  rods, James Crawford  $2\frac{1}{2}$ ,  
John Crawford  $3\frac{1}{4}$  rods. The receipts Exhibits "F1-3"  
are in relation to my 3 rods in facade.

Defendant's Evi-  
dence

No. 8

Evidence of 1st  
Witness Thomas  
Crawford (Cont'd)

Re-examined  
(Cont'd)

10

CASE FOR DEFENCE

11.30 a.m. - Adjourned.

Adjournment

1.23 p.m. - Resumed

Resumption

No. 9

DEFENDANT'S COUNSEL ADDRESS TO COURT

In the High Court  
of the Supreme  
Court of Judica-  
ture

No. 9

JACK:

Defendant's  
Counsel address  
to Court

There was a certain dam from which parties

took bearing. It was a dam running a north-east.

This was a correct boundary. This dam varied from

what it should have been by about a degree. From the

20 north-eastern end of the dam it varied.

(2) The parties did not know the variation of

the dam from the true boundary until it was disclosed by Mc Lean's survey. Mc Lean said this error was about 50 years old. Therefore there was nothing to alert Crawford as to his true situation before the Mc Lean's survey. This goes for Paraboo too. All parties accepted the dam as the true starting point for calculating their holding. This would include both Crawford and Paraboo and Ramdhoney.

10           (3) Crawford accepted the three rods in dispute since 1947. The holding which the Crawfords had was divided by consent. Defendant occupied the position on the eastern side. If this is true, and it is not contradicted, then Exhibits "F1-4" must refer to the 3 rods belonging to the defendant. Only reasonable explanation is that Crawford engaged Paraboo to plough his Crawford's 3 rods.

          (4) I urge that the dispute arose after the Mc Lean survey which gave Paraboo 3 rods in the  
20 Crawford section. Mc Lean felt that the Crawford's land should have been shifted 3 rods in the land belonging to Ramdhoney. Mc Lean had earlier said that

Ramdhoney was occupying less land than he should have been granted by the Lands and Mines, and it was for that reason that he did not push Ramdhoney back west.

(5) The Commissioner of Lands and Mines had granted Crawford 53.7 acres which the Crawfords are still paying for. The Lands and Mines have taken no action on the Mc Lean plan.

(6) The position of defendant is that he has been occupying the 3 rods in dispute since 1947 and would have a prescriptive defence - Title to Land Prescription and Limitation Ordinance - sec. 5.

(7) See (5th Edition): 1944 Cheshire's Real Property p. 834. Time begins to run against Parahoo the moment from which he is dispossessed, i.e. since 1947. So that Parahoo cannot maintain this action even if Court finds the Mc Lean survey is right. The Mc Lean survey has no official validity.

(8) The Lands and Mines erred from the very beginning in the acreage of land to the Crawfords. This is the result of the Mc Lean survey.

In the High Court  
of the Supreme  
Court of Judica-  
ture

(9) Paraboo's action should have been to  
contact the Lands and Mines and ask for the error  
to be adjusted.

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No. 9

Defendant's  
Counsel address  
to Court (Cont'd)

(10) Court should find that defendant was  
occupying the land since 1947. Defendant's entire  
holding was 3 rods.

(11) Paraboo's case is that Crawford shifted  
his boundary recently i.e., since 1961 after the  
Mc Lean survey.

10

No. 10

PLAINTIFF'S COUNSEL ADDRESS TO COURT

In the High Court  
of the Supreme  
Court of Judica-  
ture

C.V. WIGHE:-

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No. 10

Plaintiff's  
Counsel address  
to Court

This is a simple case. Plaintiff said  
he was in possession in September, 1962; he  
ploughed it, the defendant re-ploughed it and  
reaped the crop.

Prescriptive title to land which is not  
described in the pleadings cannot be claimed - " a  
portion of land". Defendant cannot claim 3 rods when  
20 he is a co-owner.

Defendant cannot claim as against plaintiff.

C.A.V.

V. CRANE

PUISNE JUDGE

7/1/64

In the High Court  
of the Supreme  
Court of Judica-  
ture

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No. 10  
Plaintiff's  
Counsel address  
to Court(Cont'd)

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No. 11

JUDGMENT OF THE SUPREME COURT OF  
BRITISH GUIANA

Mr. Justice Crane:-

In the High Court  
of the Supreme  
Court of Judica-  
ture

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No. 11  
Judgment of the  
Supreme Court of  
British Guiana  
dated 31.3.65

Plantations Brahan and Ross are two

10 contiguous estates on the West sea coast of the  
county of Berbice. They are Crown Lands and there-  
fore governed by the Crown Lands Ordinance, Cap. 175.  
E<sup>1</sup>/<sub>2</sub> Brahan is occupied by the contestants, and W<sup>1</sup>/<sub>2</sub> by  
one Ramdhoney.

On June 28, 1944, Tirbohun Paraboo, deceased,  
the plaintiff's testator, was granted a licence by the  
Commissioner of Lands and Mines to occupy for agricul-  
tural purposes a tract of Crown Land~~s~~ in the rear of  
Brahan containing 27.59 English acres (See Exhibit "A").

20 The defendant and 5 others are provisional  
lessees of a tract of Crown Lands containing 53.7  
English acres of Brahan immediately west of and



adjoining the plaintiff's (See Exhibit "C").

In the High Court  
of the Supreme  
Court of Judica-  
ture

---

No. 11  
Judgment of the  
Supreme Court of  
British Guiana  
dated 31.3.65  
(Cont'd)

This is a suit by the executor of the  
estate of Tirbohun Paraboo, deceased, against the  
defendant for trespass, the nature of which is that  
"on or about 25th September, 1962, the defendant  
by himself, his servants and/or agents wrongfully  
and unlawfully entered the plaintiff's land and over  
an area of about  $3\frac{1}{2}$  acres thereon, reaped and took  
away approximately 56 bags padi, property of the  
10 plaintiff."

Their dispute arose in this way. In 1959  
the defendant and 5 others applied for and was  
granted by the Department of Lands and Mines a  
renewed provisional lease to occupy 53.7 acres of  
Crown Lands situate on the West Coast of Berbice, in  
rear of Brahan, formerly held under licence of  
occupancy No. A 3739 (expired). The application was  
granted w.e.f. 1/9/52.

In 1960 at the request of the defendant on  
20 his application to the Lands and Mines Department, a  
survey was carried out; but little did he realise  
that his request would stir a hornets' nest when

Mr. C.S. Mc Lean, a Sworn Land Surveyor of 30

years' experience was deputed to conduct an  
official survey of the defendant's land and re-  
determine the boundary between it and the plain-  
tiff's.

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No. 11  
Judgment of the  
Supreme Court of  
British Guiana  
dated 31.3.65  
(Cont'd)

To the defendant's surprise the result of  
the survey was to reduce his boundary by about 3  
rods in rear facade less than he had originally  
been granted on a previous survey; so that instead  
10 of the acreage for which he paid being 53.7, it was  
now reduced to 51.90 acres. Mc Lean made the front  
facade 370.68 feet, and the back facade 335.16 feet,  
that is to say, he cut off a portion of some  $3\frac{1}{2}$   
rods from the defendant's back facade and gave it to  
the plaintiff. To this the defendant objected,  
claiming that he was entitled to the same amount of  
facade in both back and front of his lands.

Testifying in support of the plaintiff's  
case, Mc Lean found the origin of this mistake in a  
20 former survey which gave Crawford  $3\frac{1}{2}$  rods of Paraboo's  
land. There was a shifting he said, of Ramdhoney's

eastern boundary eastwards, i.e. into Crawford's

land to the extent of some 3 rods; so that to

enable Crawford to obtain 53.7 acres, Crawford's

eastern boundary encroached on Paraboo's land.

The result was that the defendant occupies a "gib"

or triangular piece of land on Paraboo's land which

gives rise to the error of the  $3\frac{1}{2}$  acres in dispute.

Mc Lean's evidence further reveals the

existence of an eastern dam between Brahan and Ross

10 which was treated by Crawford and it would appear

Paraboo also, as the true boundary between Brahan

and Ross. This however, is not in fact the true

boundary, says he, which was he discovered to be

west of the 24 foot reserve shown in his survey

plan (Exhibit "B"); and though the northern end of

this dam indicates the commencement of the true

boundary, the boundary line shifted westwards some

$2\frac{1}{2}$  to 3 rods as it extended southwards creating a

"gib". To rectify this error Mc Lean says it would be

20 necessary for each of the Crawford group of proprietors

to move back their respective holdings which are

separated by mere dams westwards; should they do so,

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No. 11

Judgment of the  
Supreme Court of  
British Guiana  
dated 31.3.65  
(Cont'd)

the piece of land on which they would ultimately  
and rightly go back on is now occupied by Ramdhoney.  
Mc Lean found Ramdhoney occupying a "gib" of land  
belonging to Crawford of the same area as Crawford  
is at present occupying in Paraboo's land, and that  
this was the result of a previous defective survey.

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No. 11  
Judgment of the  
Supreme Court of  
British Guiana  
dated 31.3.65  
(Cont'd)

The defendant is particularly grieved over this  
situation since he is occupying the easternmost  
part of the Crawford's portion; he has requested  
10 his co-proprietors to shift westwards in accordance  
with Mc Lean's suggestion, but they have ignored  
him. So that were he to accept the Mc Lean survey  
he would have no land at all on which to plant his  
rice.

The dam of which Mc Lean speaks commences in  
the north-eastern corner of Brahan and continues  
south-west to the cattle trail reserve for some 750  
rods, creating an error of less than one degree, and  
it is his belief that this dam existed for over 50  
20 years. His opinion is that Crawford has no right  
on Paraboo's land, but Crawford should claim his land  
in  $W\frac{1}{2}$  Brahan occupied by Ramdhoney. Of course Mc Lean's

survey cannot affect the rights of any of the

parties to the ownership of the land (see section

19, cap. 171), nor am I bound by it notwith-

standing its expert nature were I to discover flaws

in it.

What is very clear is that both parties

or their privies have been in occupation of their

respective holdings since at least 1933 when they

were surveyed by one D.O. Leila, an acting

10 Government Surveyor (see Exhibit "A"). There is

no evidence of any other survey. Mc Lean had to

use his predecessor's to lay down the true boundary

between Paraboo and Crawford, but a very important

point of criticism about the Mc Lean survey is that

on his own admission he has not struck the eastern

boundary of Paraboo's land. All he says about it is

that "I found that the true boundary (Paraboo's) was

west of the 24 foot reserve in Exhibit "B", and

further stated that the dam east of the reserve had

20 been in existence for over 50 years; and it had been

treated by the Crawfords as the boundary separating

Brahan from Ross, and I have no doubt that the

plaintiff so treated the dam too. It seems to me

that Mc Lean not having determined Paraboo's

eastern boundary, it is impossible for him to say

in support of the latter's claim to 27.59 acres

that Crawford's western boundary had encroached

3 rods into Paraboo's land. I believe he must first

determine Paraboo's eastern boundary before he

could say exactly where the error lies, and whether

Paraboo is or is not occupying in fact 27.59 acres.

10 Not having struck Paraboo's eastern boundary how  
could he determine with exactitude that there was  
a shifting of the boundary between Paraboo's and  
Crawford's lands eastwards into Paraboo's? Further,  
Mc Lean having ascertained there were mistakes in  
the boundaries of the three properties of Brahan,  
it is only reasonable that all three adjacent bound-  
aries should have been re-surveyed; but only one of  
these in fact was - that between Crawford and Paraboo.

The case of HARWADIN -V- PARK (1938) L.R.B.G.

20 172 (not cited), bears striking resemblances to the  
instant case; it was an action for trespass and an  
injunction to rice lands by one holder against another

of adjacent lands the boundary between which  
had been improperly and carelessly determined by  
a previous survey. On a subsequent survey, just  
as in the present case, errors resulting in the  
shifting of a boundary westwards were discovered,  
but unlike the finding which I have made, Langley,  
J., found as follows:-

10

"I am satisfied that the defendant well  
knew that this state of uncertainty  
as to boundaries existed and that he  
chose to take action which would have  
been ill-advised had he known with any  
certainty where his own boundaries were  
placed, but, which was quite unjustified  
in the circumstances of this case when  
he did not know."

In the instant case, however, neither party knew  
until Mc Lean's survey in 1960 there was anything wrong  
with the boundaries which makes all the difference.

20

In HARWADIN'S case, it appears the defendant well knew  
of the uncertain state of the boundaries but, notwith-  
standing that, he trespassed on the rice lands occupied  
by the plaintiff despite the fact that the boundaries  
were corrected by a surveyor. However, this is not  
the case here, for the evidence is that Mc Lean found

in 1960 that defendant was occupying about 3  
rods of Paraboo's land which is the land in  
dispute. From the evidence of the plaintiff's  
own surveyor then, he was not in possession as  
was HARWADIN of the land he now claims.

In my view this action is misconceived  
because the evidence discloses that the plaintiff  
has never been in possession of the disputed land.  
In paragraph 4 of his statement of Claim, the  
10 wrongful acts of which he complains are stated to  
have been committed on or about and subsequent to  
September 25, 1962, approximately on  $3\frac{1}{2}$  acres.  
It is clear, however, these  $3\frac{1}{2}$  acres are on the  
Crawford side of the boundary, and constitute the  
"gib" extending from the northeast corner of their  
lands to their back facade. The evidence is that the  
Crawfords have continuously been in possession of the  
lands even before the time they were surveyed by Leila.

Exhibits "F1 -2" are receipts dated May and  
20 December 1949. They are unchallenged and were given  
by the plaintiff to the defendant for harvesting and  
ploughing on defendant's behalf on plantation Brahan



on the disputed land. These receipts are under

the hand of the plaintiff himself and in my

view in all probability support the defendant's

claim to his occupation of his portion of

Plantation Brahan. It is very plain that the

plaintiff only began to assert his claim to the

contested strip since the revelations of the

Mc Lean survey, but I have already observed that

survey cannot in law affect the rights of any of

10 the parties.

Having decided in favour of the defendant

on the issue of trespass, I must now consider

the plea raised by him in paragraph 5 of his

defence viz: his claim to sole and undisturbed

possession nec vi, nec clam, nec precario of

upwards of 12 years which, if sustained, will

entitle him to the land by virtue of the Title

to Land (Prescription and Limitation) Ordinance,

Cap. 184.

20 It is very plain from the facts that this

plea succeeds, for ever since the year 1949, i.e.

over 16 years ago, the defendant in his own right

has been cultivating the disputed land with  
the assistance of the plaintiff, (see Exhibits  
"T1-4"). Such a period would clearly give him  
sole and undisturbed possession and bring him  
within the proviso to section 3 of Cap. 184.

Moreover, he has pleaded in paragraph 3 of his  
defence that the disputed land is "part of a tract  
of land measuring 53.7 acres which is referred  
to in the Licence of Occupancy No. A. 3793 which  
10 was granted to his father John Crawford (now  
deceased), Randannie, George Jones and Timoty  
Wade. The said licence was granted on the 1st  
day of September, 1931, for 21 years for agricul-  
tural purposes."

It seems to me this is a true plea supported  
by Exhibit "C" which was granted w.e.f. September 1,  
1952, i.e. 21 years after the issue of licence  
A 3793. The defendant is in effect pleading here  
that he and his predecessors in title have enjoyed  
20 possession continuously and undisturbedly of the  
disputed strip of land for over 30 years. This  
will give him a title to the land. On either plea

the defendant's case is sustainable.

The plaintiff's action is therefore

dismissed with costs. There will be a stay of execution for 6 weeks as requested.

V.E. CRANE

PUISNE JUDGE

Solicitors:

Mr. L.L. Doobay for Plaintiff

Mr. O.M. Valz for Defendant

10 Dated this 31st day of March, 1965

No.12

ORDER OF THE SUPREME COURT OF BRITISH  
GUIANA DATED 31.3.65

BEFORE THE HONOURABLE MR. JUSTICE CRANE

DATED THE 27TH DAY OF MARCH, 1965

ENTERED THE 2ND DAY OF JUNE, 1965

THIS ACTION having come on for hearing

on the 18th and 30th days of November, 1964, on

the 7th day of March, 1965, and on this day AND

20 UPON HEARING Counsel for the Plaintiff and the

Defendant and the evidence adduced and the Court

having ordered that judgment be entered for the

In the High Court  
of the Supreme  
Court of Judica-  
ture

No. 11  
Judgment of the  
Supreme Court of  
British Guiana  
(Cont'd)

In the High Court  
of the Supreme  
Court of Judica-  
ture

No. 12  
Order of the  
Supreme Court of  
British Guiana  
dated 31.3.65

Defendant with costs THEREFORE IT IS THIS DAY

ADJUDGED that the Plaintiff do recover nothing

against the Defendant and that the Defendant do

recover against the Plaintiff costs of this action

to be taxed certified fit for Counsel AND IT IS

ORDERED that there be a stay of execution for six

(6) weeks from date hereof.

BY THE COURT

B.B. McG. Gaskin,

DEPUTY REGISTRAR.

10

In the High Court  
of the Supreme  
Court of Judica-  
ture

No. 12  
Order of the  
Supreme Court of  
British Guiana  
dated 31.3.65  
(Cont'd)

No. 13

NOTICE OF APPEAL DATED 8.5.65

TAKE NOTICE that the (Plaintiff)

Appellant being dissatisfied with the whole

decision more particularly stated in paragraph

2 hereof of the Supreme Court of British Guiana

contained in the Judgment of Mr. Justice Crane

dated the 27th March, 1965, doth hereby appeal

to the British Caribbean Court of Appeal upon

20 grounds set out in paragraph 3 and will at the

hearing of the appeal seek the relief set out in

In the Court of  
Appeal of the  
Supreme Court of  
Judicature

No. 13  
Notice of Appeal  
dated 8.5.65

paragraph 4.

In the Court of  
Appeal of the  
Supreme Court of  
Judicature

---

No. 13  
Notice of Appeal  
Dated 8.5.65  
(Cont'd)

And the Appellant further states that  
that the names and addresses including his own  
of the persons directly affected by the appeal  
are those set out in paragraph 5.

2. The whole decision dismissing the  
Plaintiff's claims for damages for trespass and an  
injunction restraining the Defendant from tress-  
passing on certain immovable property, the property  
10 of the plaintiff.

3.  GROUNDS OF APPEAL:

- (1) The Learned Trial Judge erred in  
rejecting the evidence of the expert  
Mr. Mc Lean, Sworn Land Surveyor.
- (2) The Learned Trial Judge erred in  
holding that the (Defendant) Respondent  
is entitled to the land by virtue of  
the Title to Land (Prescription and  
Limitation) Ordinance, Chapter 184,  
20 in that:-

- (a) At the trial the Defendant (Respon-  
dent) abandoned paragraph 5 (five)  
of his defence;
- (b) The period of the defendant's  
occupation as found by the  
Learned Trial Judge does not  
entitle him to prescribe against  
the Crown.

In the Court of  
Appeal of the  
Supreme Court of  
Judicature

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No. 13  
Notice of Appeal  
dated 8.3.65  
(Cont'd)

(3) The Learned Trial Judge failed to appreciate that the (Plaintiff) Appellant is and was entitled to the possession of the land in issue, ownership whereof lies with the Crown.

(4) The decision was unreasonable and was against the weight of evidence.

(5) The Learned Trial Judge having based his decision on a balance of probabilities did not properly weigh the consistent evidence of the plaintiff (appellant) against the inconsistent and ambulatory defence of the Defendant (Respondent).

(6) The Learned Trial Judge constituted himself an expert on the principle of land surveying and wrongfully attach weight upon his opinion in absence in such evidence in support.

10

20

4. The appellant prays that the judgment of the Supreme Court of British Guiana in Action 630 of 1963, be set aside and/or reversed and that judgment be entered for the appellant and that the respondent be ordered to pay the costs of this appeal.

5. Persons directly affected by the appeal:-

<u>Name</u>	<u>Address</u>
IVAN PARABOO	Plantation Brahan, West Coast, Berbice.
TOM CRAWFORD	Plantation Brahan, West Coast, Berbice.

L.L. Doobay

Solicitor to Appellant

Dated the 8th day of May, 1965.

In the Court of  
Appeal of the  
Supreme Court of  
Judicature

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No. 13  
Notice of Appeal  
dated 8.3.65  
(Cont'd)

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No. 14

AMENDED NOTICE OF APPEAL MOTION

DATED 23.9.66

TAKE NOTICE that the (Plaintiff)

In the Court of  
Appeal of the  
Supreme Court of  
Judicature

---

No. 14  
Amended Notice of  
Appeal Motion  
23.9.66

Appellant being dissatisfied with the whole

decision more particularly stated in paragraph 2

10 hereof of the High Court of the Supreme Court of

Judicature of Guyana contained in the judgment of

Justice Crane dated the 27th March, 1965, doth

appeal to the Court of Appeal of the Supreme Court

of Judicature upon grounds set out in paragraph 3

and will at the hearing of the appeal seek the relief

set out in paragraph 4.

And the Appellant further states that the

names and addresses including his own of the persons

directly affected by the appeal are those set out in

20 paragraph 5.

2. The whole decision dismissing the  
plaintiff's claims for damages for trespass and  
an injunction restraining the defendant from  
trespassing on certain immovable property the  
property of the plaintiff.

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No. 14  
Amended Notice of  
Appeal Motion  
23.9.66  
(Cont'd)

3. GROUND OF APPEAL:

1. The learned Trial Judge erred in  
failing to find on the evidence that  
there was proof that the land  
occupied by the Respondent was part  
of the land held by the Appellant  
under Licence from the Crown;
2. The Learned Trial Judge erred in  
holding that the Respondent was  
entitled to retain possession of the  
land the subject matter of the action  
by virtue of the provisions of  
section 3 of the Title to Land  
(Prescription and Limitation)  
Ordinance, Chapter 184. If, which is  
denied, the provisions of the said  
Ordinance did apply to that portion  
of the Crown land claimed by the  
Appellant the Learned Trial Judge  
ought to have held that the  
Appellant was in possession of the  
land and had interrupted running of  
time in the period 1960 - 2 and that



in any event time could not run in terms of the said Ordinance prior to 1960 because of the mutual mistake on the part of both the Appellant and the Respondent with respect to the boundaries of the land claimed.

10

3. The Learned Trial Judge erred in omitting to consider the effect of the provisions of section 21 of the Ordinance upon the time of accrual of the cause of action in terms of sections 5 and 13 of the Ordinance the effect being to prevent the running of time in cases of mistake and fraud.

4. The decision was against the weight of the evidence.

4. The appellant prays that the judgment of the High Court of the Supreme Court of Judicature of Guyana in action No. 630 of 1963, be set aside and/or reversed and that judgment be entered for the appellant and that the respondent be ordered to pay the costs of this Appeal.

5. Persons directly affected by the appeal:-

<u>Name</u>	<u>Address</u>
IVAN PARABOO	Plantation Brahan, West Coast, Berbice.
TOM CRAWFORD	Plantation Brahan, West Coast, Berbice.

L.L. Doobay

Solicitor to Appellant

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No. 14  
Amended Notice  
of Appeal Motion  
23.9.66 (Cont'd)

Dated the 23rd day of September, 1966

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No. 15

JUDGMENT OF THE COURT OF APPEAL OF  
THE SUPREME COURT OF JUDICATURE

In the Court of  
Appeal of the  
Supreme Court of  
Judicature

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No. 15  
Judgment of the  
Court of Appeal  
of the Supreme  
Court of Judica-  
ture 11.11.66

PERSAUD, J.A.,

On the 28th June, 1944, the appellant's

testator, Tirbohun Paraboo was granted a licence  
10 under s. 3(c) of the Crown Lands Ordinance,  
Chapter 171 (now Chapter 175) to occupy 27.59 acres  
of Crown Lands situate in rear of Pln. Brahn in  
the West Coast of Berbice for agricultural purposes.  
This tract of land formed the eastern portion of  
Pln. Brahn, and was separated from Pln. Ross on the  
east by a side-line dam. On the 13th April, 1959,  
the respondent and others were granted a provisional  
lease to occupy and work 53.7 acres of Crown Lands  
in the same plantation, but east of the lands  
20 granted to Tirbohun Paraboo. This latter tract of

land was formerly occupied by the respondent and others under licence of occupancy No. A 3793 since expired, and it would appear that the various persons divided up their holdings to enable each person to occupy a specific portion for himself, the respondent occupying the portion nearest to Paraboo's portion. Tirbohun Paraboo's tract was surveyed by D.O. Leila, Sworn Land Surveyor, and it would appear that a diagram was prepared based on that survey, but this was not put in evidence in this matter. It would appear also that the tract granted to the respondent and others was surveyed too. In any event, in 1960 - 1961, Compton Mc Lean, a Sworn Land Surveyor of 30 years' experience, surveyed the area, but stopped short his survey at the common boundary between Paraboo's land and the respondent's land, which is, of course, the western boundary of Paraboo's land. As a result of his survey, Mc Lean found that the occupation was not in accordance with the true boundaries; that one Ramdhoney, who was occupying the westernmost portion of Pln. Brahn, had

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been occupying 1.8 acres more than he should  
 in that his physical eastern boundary had  
 shifted eastwards on to the Crowfords' land with  
 the result that Crawford's physical eastern  
 boundary shifted eastwards on to Tirbohun Paraboo's  
 land. It follows therefore that to regularise  
 the position, Randhoney's boundaries must be  
 adjusted westwards. Mc Lean also found that a  
 dan which separated Plantations Brahn and Ross and  
 10 which was there for over 50 years, was not the true  
 eastern boundary of Pln. Brahn even though it was  
 so treated by both the Crowfords and the Paraboos;  
 further there was no dan separating Crawford's land  
 from Paraboo's land. Finally, says Mc Lean, if  
 the parties were to occupy according to Mc Lean's  
 sketch plan, Paraboo would be occupying his full  
 27.59 acres while the Crowfords would be occupying  
 51.90 acres, 1.8 acres less than the grant.

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What has been hitherto stated refers to  
 20 occupation according to the survey; it has nothing  
 to do with the actual occupation which the trial  
 judge found. The trial judge found that the

respondent Crawford was in fact since 1949

occupying 1.8 acres which, according to Mc Lean's

survey, should be within Tirbohun Paraboo's

boundaries, but that this inroad was in accord-

ance with the original occupation, which took place

as long ago as 1931. The judge also expressed the

view, - and in our opinion this view is supported

by the evidence which he has accepted, - that it

was only as a result of what was disclosed by the

10 Mc Lean's survey, that the appellant appreciated

that the respondent had been occupying 1.8 acres

of land covered by the former's licence, and then

he sought to lay claim thereto. But, as already

been said, the occupation commenced since 1931.

Trespass is a wrongful act done in disturb-

ance of the possession of property of another. To

constitute a trespass the act must in general be

unlawful at the time when it was committed; if an

act done in respect of property was lawful when it

20 was done, the doer cannot be made a trespasser by

relation in consequence of a person becoming

entitled to the property and of that person's title

relating back to the time when it was done.

(See Hals. Laws of England, Vol. 38 3rd Edn.

p. 734). If therefore, the respondent was in

lawful occupation of the land in dispute, -

lawful in the sense that his occupation was so

accepted by all sides, - then the appellant cannot

now be heard to complain that acts of trespass

were committed by the respondent prior to Mc Lean's

survey.

10

It seems to us therefore that there was

enough evidence before the judge which justified

his dismissal of the appellant's claim which it

must be remembered was one in trespass.

We would therefore dismiss this appeal with

costs, and affirm the judgment of the court below.

It would not be amiss if we were to say

a few words about the position consequent upon this

judgment. It seems to us that a survey should be

carried out of the whole of Plantation Brahn, the

20

boundaries properly located, and that the parties

be made to occupy their respective portions in

strict accordance with that survey.

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ture 11.11.66  
(Cont'd)

In the Court of  
Appeal of the  
Supreme Court of  
Judicature

G.L.B. Persaud  
.....  
G.L.B.Persaud  
Justice of Appeal (Acting)

-----  
No. 15  
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ture 11.11.66  
(Cont'd)

Solicitors:

J.E. Too-Chung

O.M. Valz

Mr. Justice Luckhoo,

I concur.

Edward V. Luckhoo  
.....  
E.V. Luckhoo

IO

Mr. Justice Cummings,

I concur. I only wish therefore to

add that trespass is a wrong to possession.

Although the appellant had a remedy, his action

in trespass was <sup>mis</sup>conceived.

P.A.C.  
.....

No. 16

ORDER ON JUDGMENT OF THE COURT OF  
APPEAL OF THE SUPREME COURT OF JUDI-  
CATURE DATED 11.11.66

No. 16  
Order on Judg-  
ment of the Court  
of Appeal of the  
Supreme Court of  
Judicature dated  
11.11.66

BEFORE THE HONOURABLE MR. E.V. LUCKHOO, JUSTICE

OF APPEAL

THE HONOURABLE MR. G.L.B. PERSAUD, JUSTICE

OF APPEAL

THE HONOURABLE MR. P.A. CUMMINGS, JUSTICE

OF APPEAL

10

DATED THE 11TH DAY OF NOVEMBER, 1966

ENTERED THE 3RD DAY OF MAY, 1967

UPON READING the Notice of Motion

on behalf of the above-named (Plaintiff)

Appellant dated the 8th day of May, 1965, and the

Record of Appeal filed herein on the 13th day of

July, 1965

AND UPON HEARING Mr. F.H.W. Ramsahoye

of Counsel for the (Plaintiff) Appellant and

20 Mr. H.O. Jack of Counsel for the (Defendant)

Respondent

AND MATURE DELIBERATION THEREUPON

HAD IT IS ORDERED <sup>THAT</sup> THE Judgment of the Honourable

Mr. Justice Crane dated the 27th day of March,

1965 in favour of the (Defendant) Respondent be

affirmed and this Appeal dismissed with costs



to be taxed certified fee for counsel and paid  
by the said (Plaintiff) Appellant to the said  
(Defendant) Respondent.

In the Court of  
Appeal of the  
Supreme Court of  
Judicature

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No. 16  
Order on Judgment of the Court  
of Appeal of the  
Supreme Court of  
Judicature dated  
11.11.66 (Cont'd)

BY THE COURT

H. Maraj

Sworn Clerk and Notary Public

for Registrar.

No. 17

CONDITIONAL LEAVE TO APPEAL TO HER MAJESTY

IN COUNCIL

BEFORE:

THE HONOURABLE MR. B.V. LUCKHOO, JUSTICE OF

APPEAL (IN CHAMBERS)

DATED THE 18TH DAY OF FEBRUARY, 1967

ENTERED THE 8TH DAY OF MARCH, 1967

In the Court of  
Appeal of the  
Supreme Court of  
Judicature

No. 17

Conditional Leave  
to appeal to Her  
Majesty in Council

18.2.67

UPON the petition of the abovenamed

10 petitioner (appellant) dated the 2nd day of December,

1966 for leave to appeal to Her Majesty in Council

against the judgment of the Court of Appeal ~~of the~~

~~Supreme Court of Appeal~~ of the Supreme Court of

Judicature delivered herein on the 11th day of

November, 1966 AND UPON READING the said petition

and the affidavit in support thereof sworn by

Mr. Loknauth Lalman Dookey, Solicitor for the said

petitioner on the 2nd day of December, 1966 and filed

herein:

20 AND UPON HEARING Dr. F.W.H. Ramsahoye,

of Counsel for the petitioner (appellant) the

respondent (respondent) appearing in person:

THE COURT DOETH ORDER that subject to the performance by the said petitioner(appellant) of the conditions hereinafter mentioned and subject to the final order of this Honourable Court upon due compliance with such conditions leave to appeal to Her Majesty in Council against the said judgment of the Court of Appeal of the Supreme Court of Judicature be and the same is hereby granted to the petitioner (appellant).

In the Court of Appeal of the Supreme Court of Judicature

---

No. 17

Conditional Leave to appeal to Her Majesty in Council

18.2.67

(Cont'd)

10

AND THIS COURT DOETH FURTHER ORDER that the petitioner(appellant) do within six (6) weeks from the date hereof enter into good and sufficient security to the satisfaction of the Registrar in the sum of \$2,400 with one or more surety or sureties or deposit into Court the said sum of \$2,400 for the due prosecution of the said appeal and for the payment of all such costs as may become payable by the petitioner (appellant) in the event of the petitioner (appellant) not obtaining an order granting him

20

final leave or of the appeal being dismissed for non-prosecution or for the part of such costs as may be

awarded by the Judicial Committee of the  
Privy Council to the respondent (respondent)  
on such appeal as the case may be.

No. 17

Conditional Leave  
to appeal to Her  
Majesty in Council

AND THIS COURT DOETH FURTHER ORDER

18.2.67  
(Cont'd)

that all costs of and occasioned by the said  
appeal shall abide the event of the said  
appeal to Her Majesty in Council if the said  
appeal shall be allowed or dismissed or shall  
abide the result of the said appeal in case  
10 the said appeal shall stand dismissed for want of  
prosecution.

AND THIS COURT DOETH FURTHER ORDER that  
the petitioner (appellant) do within four (4)  
months from the date of this Order in due course take  
out all appointments that may be necessary for  
settling the record in such appeal to enable the  
Registrar of the Court to certify that the said  
record has been settled and that the provisions  
of the Order on the part of the petitioner (appellant)  
20 have been complied with.

AND THIS COURT DOETH FURTHER ORDER

In the Court of  
Appeal of the  
Supreme Court of  
Judicature

---

No. 17

Conditional Leave  
to appeal to Her  
Majesty in Council

18.2.67  
(Cont'd)

that the petitioners (appellants) be at  
liberty to apply within five (5) months  
from the date of this Order for final leave  
to appeal as aforesaid on the production of  
a certificate under the hand of the Registrar  
of this Court of due compliance on their part  
with the conditions of this Order

AND THIS COURT DOTH FURTHER ORDER

that the costs of and incidental to this

10 application be the costs in the cause

AND THIS COURT DOTH FURTHER ORDER

that a stay of execution of the Order for costs  
made by the Court of Appeal be and is hereby  
granted

LIBERTY TO APPLY.

BY THE COURT

H. Maraj

SWORN CLERK & NOTARY PUBLIC

for Registrar (Ag.)

"A"

"A"

LICENCE TO OCCUPY CROWN LAND  
NO. 4389

Licence to occupy  
Crown Land  
No. 4389

Issued for Information      A True Copy  
Only.                              A. Leon

A. Leon                      for Commissioner of  
                                    Lands and Mines  
for C.L.M.                      14th March, 1960

10

No. 4389

BRITISH GUIANA

630/63

LICENCE TO OCCUPY CROWN LAND

Issued under Section 3 (c) of the Crown Lands  
Ordinance, Chapter 171

M.P. No.1748/31

LICENCE is hereby granted to - - -TIRBOHUN PARABOO - -

hereinafter called the "Licensee" to OCCUPY for - - -

Agricultural - - -- purposes the tract of Crown land

situate in rear of Plantation Brahan, on the West

20

sea coast of the County of Berbice and Colony of

British Guiana. The tract commences at a ~~paal~~

(Iron) on the western edge of the side-line dam

between Plantations Ross and Brahan S. 48° 47'

(true) 105.03 feet from the centre of the railway

line and extends thence N. 41° 30' W. (true)

185.34 feet thence S. 48° 49' W (true) 6420.7

"A"

Licence to occupy  
Crown Land  
No. 4389(Cont'd)

feet thence  $42^{\circ} 26'$  (true) 189.1 feet, thence  
 N.  $48^{\circ} 47'$  E (true) 6417.7 feet to starting  
 point - - - - - and containing 27.59 - - - - -  
 acres as shown by the diagram hereunto annexed;  
 for and during the term of His Majesty's Pleasure  
 from the - - - - 1st - - - - -day of - - - - -  
 August - - - - - 1931, upon and subject to the  
 following conditions, namely:-

1. The Licensee shall pay to the

10

Commissioner of Lands and Mines or to any officer  
 duly authorised by him in that behalf an annual  
 rental of - - - - -Five - - - - - dollars - - - - -  
 and Fifty-two - - - - - cents for the land hereby  
 licensed, such amount be payable in advance on the  
 first day of January in each and every year until  
 the termination of this licence.

SCALE

R.F. 1/12500

Diagram

of

20

a tract of Crown Land situate in the rear of  
 Plantation Brahan, on the West sea coast, County  
 of Berbice and Colony of BRITISH GUIANA.

The tract commences at a ~~paal~~ (iron) on the western edge of the sideline dam between Plantations Ross and Brahan S 48° 47' W (t) 105.03 feet from the centre of the Railway line and extends thence N 41° 30' W (t) 185.34 feet, thence S 48° 49' W (t) 6420.7 feet, thence S 42° 26' E (t) 189.1' thence N 48° 47' E (t) 6417.17 feet to starting point.

Area 27.59 English acres

10 Surveyed as far as practicable in compliance with the Crown Lands Regulations for TIRBOHUI PARABOO, Berbice, 2nd December, 1933

by

(Sgd) D.O.Leila

Ag. Govt. Surveyor.

LANDS AND MINES DEPT. - - - -No. 19.

Certified to be a true copy of the diagram attached to the duplicate of Licence of Occupancy No. A 4389 on record in the Department of Lands and Mines.

20

A. Leon

for Commissioner of Lands and Mines.

March, 1960.

Plaintiff's  
Exhibit

"A"

Licence to  
occupy Crown  
Land No. 4389  
(Cont'd)



A True Copy

Plaintiff's  
Exhibit

A. Leon

"A"

for Commissioner of Lands and  
Mines

Licence to  
occupy Crown  
Land No. 4389  
(Cont'd)

14th March, 1960

2. The licensee shall within two years  
from the date of the commencement of this licence,  
cultivate or beneficially occupy at least one-  
fifth part of the area of the land hereby licensed,  
10 and thereafter increase the cultivated or  
beneficially occupied area until at the end of  
three years he shall have not less than one-fourth  
part of the area licensed, cultivated or benefi-  
15 cially occupied, and shall be bound at all times  
during the continuance of this licence to main-  
tain the said cultivation in good order, and in  
a husband-man-like manner to the reasonable  
satisfaction of the Commissioner of Lands and Mines  
or of such officer as may be from time to time  
20 deputed by the Commissioner of Lands and Mines to  
inspect the said cultivation. Provided that where  
the Commissioner of Lands and Mines is satisfied  
from the situation of the land or the composition

of the soil or from other cause that the  
cultivation of any portion of the land hereby  
licensed is impracticable or would be out of  
proportion to the probable returns such portion  
may with the approval of the Commissioner of  
Lands and Mines be deducted in calculating the  
area which the licensee shall be required to  
cultivate.

Plaintiff's  
Exhibit

"A"

Licence to  
occupy Crown  
Land No. 4389  
(Cont'd)

3. The licensee shall be bound and hereby  
10 binds and obliges himself in the event of any  
scheme being approved of by the Governor-in-Council  
for empoldering or draining or for irrigating any  
land of which the area hereby licensed may form a  
part to pay such increased rental as may be fixed  
by the Governor-in-Council, such increased rental  
to be payable on the first day of January follow-  
ing the notification of such increase and in the  
event of the licensee refusing or neglecting to  
pay the increased rental yearly in advance on the  
20 first day of January in each and every year until  
the termination of the licence then this licence  
shall be subject to cancellation by the

Governor without further notice, provided that the licensee shall have the right within the period of six months from the notification aforesaid to remove any buildings or other erections and to reap any crops existing on the land hereby licensed or to receive compensation for such from a succeeding licensee in terms of Clause 12 hereof.

Plaintiff's  
Exhibit

"A"

Licence to  
occupy Crown  
Land No. 4389  
(Cont'd)

4. The licensee shall not be entitled to  
10 transfer or mortgage his interest in the lands  
comprised in this licence or any part of them save  
in accordance with the provisions of the Crown  
Land Regulations for the time being in force  
relating to transfers and mortgages and to  
oppositions to transfers.

5. The licensee shall not sublet the lands  
comprised in this licence except with the permis-  
sion in writing of the Commissioner of Lands and  
Mines, which permission shall not be unreasonably  
20 withheld and no such permission shall in any way  
relieve the licensee from responsibility for  
non-fulfilment of any of the conditions of this  
licence or prevent the forfeiture of this

licence for non-compliance therewith.

Plaintiff's  
Exhibit

"A"

Licence to  
occupy Crown  
Land No. 4389  
(Cont'd)

6. The licensee shall be bound during the continuance of this licence to keep the boundary lines of the land hereby licensed clear and open and to place and maintain on the front of the tract at or near to each boundary post a board on which shall be painted in legible letters and figures the name of the licensee and the number and date of this licence.

10

7. The Commissioner of Lands and Mines

shall have full power and authority at all times during the term of this licence to resume and enter upon possession of any part or parts of the land licensed which he may deem necessary to resume for any townsite, village, railway, tramway, canals, telegraph line, roads, wireless or radio stations or power transmission or for any other public work or purpose of public use, utility or convenience: or to sell, lease, licence or otherwise dispose of

20 to any person or persons any part or parts of the said land for any purpose as aforesaid, without making to the licensee any compensation in respect

of any part so resumed or sold, leased, licensed  
 or otherwise disposed of as herein provided;  
 provided however that the lands to be so  
 resumed or disposed of shall not exceed one-  
 twentieth part of the whole of the land hereby  
 licensed and that no such resumption or disposition  
 shall be made, without compensation, as provided  
 for in clause 43 of the Crown Lands Regulations,  
 1919, of any part of the said lands upon which  
 10 any buildings have been erected or which may be  
 enclosed and in use for the more convenient  
 occupation of such buildings. And provided further  
 that where any part or parts of the lands comprised  
 in this licence is or are disposed of as herein  
 provided this licence shall immediately determine  
 over such part or parts and the rental reserved by  
 this licence shall be proportionately reduced.

8. The agents, servants or workmen of the  
 Government thereto authorised shall have the right  
 20 at all times to enter upon the land hereby licensed  
 for the purpose of felling or removing any timber  
 or of digging and quarrying and carrying away any

rock, soil, sand, clay or other material required for any public purpose without payment of compensation to the licensee.

Plaintiff's  
Exhibit

"A"

Licence to  
occupy Crown  
Land No. 4389  
(Cont'd)

9. This licence shall not confer on the licensee the right to any gold, silver or other metals, minerals, ores, gems or precious stones, coal or mineral oil in or under the land licensed which shall be saved and reserved to the Crown with the right to enter upon any part or parts of the
- 10 land hereby licensed to search and mine therefor subject however to the right of the licensee to receive compensation for any loss or damage to growing crops occasioned by such searching or mining, the amount of any such compensation to be assessed by the Commissioner of Lands and Mines.
10. Any officer of the Government authorised in that behalf by the Commissioner of Lands and Mines shall be entitled to enter upon the land hereby licensed at such times as may be reasonable to
- 20 inspect the cultivation or stock and the boundary lines, notice boards and posts placed thereon, and to do all things necessary to ascertain whether the

conditions under which this licence is held are being complied with.

Plaintiff's  
Exhibit  
"A"

Licence to  
occupy Crown  
Land No.4389  
(Cont'd)

11. In the event of the licensee failing or neglecting to comply with or fulfil any of the prescribed conditions of this licence or where any instalment of rent payable hereunder is three months or more overdue, the licensee and in the event of the licence having been mortgaged and notice of the execution thereof having been filed in the office

10 of the Department of Lands and Mines by the mortgagee or the mortgage recorded in the office of the Department of Lands and Mines in accordance with the requirements of the Crown Lands Regulations for the time being in force relating to mortgages, such mortgagee also shall be given a warning by or on behalf of the Commissioner of Lands and Mines to carry out within six months the obligations in respect of which the licensee is in default or to pay within three months the

20 arrears of rent as the case may be and where the licensee or mortgagee as aforesaid fail to comply with such warning within the time specified this licence and the lands comprised therein, and all improvements thereon may be forfeited: Provided, however, that where either the licensee or

mortgagee before the expiration of the time specified in such warning complies with the conditions in respect of which the licensee is in default or pays all the rent due the licensee shall continue to hold the land hereby licensed as if no breach had been committed.

Plaintiff's  
Exhibit  
"A"

Licence to  
occupy Crown  
Land No. 4389  
(Cont'd)

12. On the expiry of this licence by effluxion of time, all buildings or erections and all improvements on the land shall belong absolutely to His Majesty: ~~Provided however that if such licence is renewed to a succeeding licensee or leased to a succeeding lessee within twelve months of the date of expiry as aforesaid the holder of this licence at the time of the expiry hereof by effluxion of time as aforesaid shall be entitled to receive from the succeeding licensee or lessee the full value of all lawful improvements existing on the land as computed at the date of such renewal the amount of compensation payable in respect of such improvements to be determined as far as possible in the manner prescribed in the Crown Lands Regulations for the time being in force relating to assessment of compensation for improvements as therein specified.~~

10

20

13. For the purpose of this licence all notices and warnings hereunder shall be deemed to



be fully served on the licensee or the mortgagee as the case may be if posted at the Police Stations, Magistrates' Courts and Commissaries' Offices in the Judicial District in which the licensed land is situated.

Plaintiff's  
Exhibit  
"A"

Licence to  
occupy Crown  
Land No. 4389  
(Cont'd)

14. The licensee paying the rent and other sums of money hereby reserved, and performing all the covenants and conditions to be by him observed and fulfilled shall and may peaceably and quietly possess and enjoy the premises hereby licensed without any undue interference by the Commissioner of Lands and Mines or any person claiming to be lawfully acting under him.

DEPARTMENT OF LANDS AND MINES,

Georgetown, Demerara,

this 28th day of June, 1944.

Ray Ali

Sgd. F. ~~Wray~~ H. Green

Commissioner of Lands and Mines.

20 "Proviso to be deleted when the area licensed does not exceed one hundred acres."

"B"  
DIAGRAM OF THE R. BANK OF THE  
ABARY RIVER

Evidence  
Witness's  
Exhibit

"P"  
Diagram of  
the R. Bank  
of the Abary  
River

Diagram  
of

A tract of Crown Land situate on the right bank  
of the Abary River in the County of Berbice and  
Colony of  
British Guiana

- 10 The tract commences at a paal (wood) C.S.  
Mc.L. N  $48^{\circ} 30'$  (ded.tr.) 308.9 feet from an  
iron paal DIM marking the north-eastern corner  
of a tract of 63.45 acres surveyed for T.Crawford  
and others under M.P. No. 261/59 and about  
17.335 feet inland from a point about 16.485  
feet above a point opposite the Jugdeo Canal and  
its boundaries extend thence N  $137^{\circ} 34'$  (ded.  
tr.) 333.16 feet, thence N  $48^{\circ} 49'$  (ded.tr.)  
6421.59 feet, thence N  $318^{\circ} 30'$  (ded.tr.)  
20 370.68 feet, thence N  $228^{\circ} 50''$  (ded.tr.)  
6425.80 feet to the point of commencement.

Area 51.90 English Acres

Surveyed as far as practicable in compliance

Evidence  
Witness's  
Exhibit

with the Crown Lands Regulations for THOMAS  
CRAWFORD, CLARA JOHNSON, TIMOTHY WADE, JAMES  
CRAWFORD and JOHN CRAWFORD, CHAS. HAWKER,  
RAMBHARAT SINGH.

"B"  
Diagram of  
the R. Bank  
of the Abary  
River

(Cont'd)

by

Abary River

27th October, 1960.

L. & M. ---No. 19(b)

Govt. Surveyor.

Defendant's  
Exhibit

10

"C"

PROVISIONAL LEASE

"C"  
Provisional  
Lease

630/63 D

DEPARTMENT OF LANDS AND MINES,

British Guiana

IN REPLYING QUOTE DATE

HEREOF AND NO. 971/57

PROVISIONAL LEASE.....GEORGETOWN,

DEMERARA

13th April, 1959

20 Permission is hereby granted to THOMAS CRAWFORD,

CLARA JOHNSON, JOHN CRAWFORD, TIMOTHY WADE,

JAMES CRAWFORD, DR. R. SINGH of Plantation

"C"  
Provisional  
Lease(Cont'd)

Brahu, West Coast, Berbice, under Regulation

7(1), (2) and (3) of the Crown Lands Regula-

tions, to occupy and commence work w.e.f.

1.9.52, on the tract 53.7 acres of Crown Land

situate on the West Coast, Berbice, in near

of Brahu, and formerly held under Licence of

Occupancy A 3793 (expired).

10 applied for on the.....under Agricultural

Lease.

LANDS AND MINES - No. 15

2. The lease when issued shall be deemed

to have commenced from the date of this Permission,

and the conditions attached to such lease shall

be deemed to have been in force as from the date

hereof.

3. The Permittee shall in each year during

the continuance of this Permission commencing

20 from the day of.....pay to the Commissioner of

Lands and Mines or other Officer duly authorised

by him, a minimum royalty of....cents for every  
 acre of Crown Land comprised in this Permission  
 amounting to \$.....per annum: Provided that  
 where the royalty paid on articles removed from  
 the tract during any one year equals or exceeds  
 the minimum royalty aforesaid then such minimum  
 royalty shall not be payable and where the  
 royalty paid during the year is less than the  
 minimum royalty aforesaid then the difference  
 10 only between the amount paid and the minimum  
 royalty shall be payable.

4. The Permission may not be trans-  
 ferred before the tract is surveyed and all  
 accumulated fees, rent ~~and minimum royalty~~  
 on any excess area paid.

5. ~~Permit-Book No.~~.....issued

Note:

This permission is granted without any  
 obligation on the Commissioner of Lands and  
 20 Mines to issue a.....Lease.

?

for Commissioner of Lands and Mines.

-74-

Defendant's  
Exhibit

"D1"

"D1"

RECEIPT NO. 25327 JJ

Receipt  
No. 25327 JJ

630/63

J.S.M.W.

~~Rents & Lands~~ \$44.53

Fees Lands \$44.53

BRITISH GUIANA

GENERAL RECEIPT

No. 25327 JJ

10

DEPARTMENT - 3.7.1958

Received from Thomas Crawford et al of Brahan

the sum of Forty-four  $\frac{53}{xx}$  ---\$44.53 for being

part of survey fees and appln. fees on for

Agric. over a tract of 53.7 acres of Crown

Lands in the area of Buchan being Lease A 3793.

Signature of Receiving Officer.

J.S.M.W.

\$44.53 - C

NOTE: Where practicable, this receipt should

20

not be prepared and signed by the same officer.

Defendant's  
Exhibit

"D<sup>2</sup>"

"D<sup>2</sup>"

RECEIPT NO. 6111 LL

Receipt  
No. 6111 LL

630/80

Fees Land

DISTRICT COMMISSIONER

W.C. Berbice

BRITISH GUIANA

GENERAL RECEIPT

No. 6111 LL

10

Received from Thomas Crawford et al of

Pln. Brahan the sum of Thirty  $\frac{97}{xx}$  dollars -----

\$30.97 for balance of survey fees and appln.

fees over a tract of 53.7 acres for Agric.

purposes situate at the rear of Brahan being

lease A 3793.

J.S.M.W.

Signature of Receiving Officer.

$\frac{30.97}{xx}$

- H.

NOTE: Where practicable, this receipt should

20

not be prepared and signed by the same Officer.

-76-

Defendant's  
Exhibit

"E"

"E"

RECEIPT NO. AA 67555

Receipt  
No. AA 67555

630/63

AA No. 67555    DUPLICATE

Head of Receipt Rt. for Lands

.....

Local Govt. Dept.

Date -- 11/7/62

BRITISH GUIANA

10    Received from Thomas Crawford of Pl. Brahan

W.B/ce the sum of Forty-two 96 dollars being  
~~xx~~


balance of rent due on Prov. Lease 971/57

53.7 acres of Crs Lands.

\$42.96

?

Initials of

  
Officer Preparing the Receipt

?

for Accountant General

T.32



"F1"

"F1"

Receipt

Receipt

Pln. Brahan,

W/C B/ce,

6/12/49

Stamp to be fixed I.P.

Received from Thomas Crawford the sum of

\$30.00 thirty dollars in full payment for  
XX

work done with Tractor and combine for

10 harvesting crop.

Ivan Paraboo

\_\_\_\_\_  
"F2"

"F2"

Receipt

Receipt

Pln. Brahan,

W/C B/ce

May, 1949

Stamp to be fixed I.P.

Received from Thomas Crawford the sum of

\$30.00 thirty dollars in full payment for  
XX

20 ploughing 7½ hours with tractor.

Ivan Paraboo

-78-

Defendant's  
Exhibit

"F3"

"F3"

Receipt

Receipt

Pln. Brahan,

W/C B/CE

8/1/55

Stamp to be fixed I.P.

Received from Thomas Crawford the sum of  
\$10.00 in full payment for work done in 1952.

Ivan Paraboo

10

Defendant's  
Exhibit

\_\_\_\_\_  
"F4"

"F4"

Receipt

Receipt

Pln. Brahan,

W/C B/CE,

2<sup>3</sup>/3/54

Received from Thomas Crawford the sum of  
\$49.00 forty-nine dollars in full payment  
for work done,

3 cents stamps cancelled

Ivan Paraboo.